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HOUSE BILL 2429

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Campbell, Chase, Morrell, Hunter, Appleton, Hudgins, Rolfes, and Upthegrove

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1            AN ACT Relating to an evaluation of alternatives to the roadside  
2 application of pesticides; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    (1) The department of health shall convene  
5 and chair a work group to study policies, strategies, and alternatives  
6 related to the roadside application of pesticides. The work group  
7 shall make recommendations to the legislature on practical and cost-  
8 effective opportunities to reduce or eliminate the roadside application  
9 of pesticides in Washington.

10            (2) The work group shall be established by the secretary of the  
11 department of health and include representatives from the state  
12 department of health, the pesticide incident reporting and tracking  
13 review panel, the state noxious weed control board, the department of  
14 transportation, the department of ecology, the department of  
15 agriculture, local government, industry, nongovernmental environmental  
16 organizations, and other stakeholders as deemed appropriate by the  
17 department.

18            (3) In carrying out its assignment, the work group shall include,  
19 but not be limited to, the following considerations:

1 (a) The environmental health effects on communities and individuals  
2 resulting from the roadside application of pesticides;

3 (b) Existing data and research including the report "Assessment of  
4 Alternatives in Roadside Vegetative Management" prepared for the state  
5 transportation commission, December 2005, and results of follow-on  
6 field trials and pilots of alternative practices;

7 (c) Monitoring data showing soil, groundwater, and water body  
8 contamination resulting from the roadside application of pesticides;

9 (d) Policies and strategies used in other states, regions, cities,  
10 and countries that reduce or eliminate the roadside application of  
11 pesticides;

12 (e) State laws, rules, fees, certification programs, incentives,  
13 and policies that may enhance the ability to reduce or eliminate the  
14 roadside application of pesticides and encourage the use of effective  
15 alternatives;

16 (f) Cost comparisons for alternatives that reduce or eliminate the  
17 roadside application of pesticides; and

18 (g) Potential financial incentives and sources of funding to help  
19 reduce or eliminate the roadside application of pesticides.

20 (4) Recommendations shall include practical and cost-effective  
21 policies, strategies, and alternatives to reduce or eliminate the  
22 roadside application of pesticides in Washington and may include  
23 statutory or regulatory changes, incentives, and other approaches.

24 (5) The definitions in this subsection apply throughout this  
25 section unless the context clearly requires otherwise.

26 (a) "Pesticide" includes, but is not limited to:

27 (i) Any substance or mixture of substances intended to prevent,  
28 destroy, control, repel, or mitigate any insect, rodent, nematode,  
29 snail, slug, fungus, weed, and any other form of plant or animal life  
30 or virus, except virus on or in living man or other animal, which is  
31 normally considered to be a pest or which the director of agriculture  
32 may declare to be a pest;

33 (ii) Any substance or mixture of substances intended to be used as  
34 a plant regulator, defoliant, or desiccant;

35 (iii) Any spray adjuvant, such as a wetting agent, spreading agent,  
36 deposit builder, adhesive, emulsifying agent, deflocculating agent,  
37 water modifier, or similar agent with or without toxic properties of

1 its own intended to be used with any other pesticide as an aid to the  
2 application or effect thereof, and sold in a package or container  
3 separate from that of the pesticide with which it is to be used; or

4 (iv) Any fungicide, rodenticide, herbicide, insecticide, and  
5 nematocide.

6 (b) "Roadside pesticide application" means application of  
7 pesticides by spraying or other methods to roadside shoulders, medians,  
8 ditches; near canals and water bodies; and to other road-related  
9 maintenance locations for the purpose of vegetative management  
10 including noxious weed control.

11 (6) Recommendations shall be presented in a report to the governor  
12 and to the legislature by December 1, 2008.

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